

## **REMARKS**

Claims 2, 3 and 14 have been amended. Claims 1-22 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 112, Second Paragraph, Rejection:**

The Examiner rejected claims 3 and 14 under 35 U.S.C. § 112, second paragraph, as indefinite. Applicant notes claims 3 and 14 have been amended to recite “a cross-platform language.” Accordingly, Applicant respectfully requests removal of the § 112 rejection of claims 3 and 14.

### **Section 103(a) Rejection:**

The Examiner rejected claims 1-3, 5, 11-14, 16 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Ho (U.S. Publication 2004/0088694) in view of Curtis (U.S. Patent 6,601,236) (hereinafter “Curtis”), claims 4, 6, 7, 15, 17 and 18 as being unpatentable over Ho in view of Curtis and further in view of Moshir et al. (U.S. Publication 2002/0100036) (hereinafter “Moshir”), claims 8-10 and 19-21 as being unpatentable over Ho in view of Lambiase (Curtis?), Moshir and further in view of Taylor (U.S. Patent 6,161,218). Applicant respectfully traverses these rejections for at least the following reasons.

**The Ho reference cannot be used for rejections under 35 U.S.C. § 103 in regard to the present application.** According to 35 U.S.C. § 103(c), art which qualifies as prior art only under § 102(e), (f) or (g) is not available for rejections under § 103 if that art and the subject matter of the application under examination were owned by or subject to an obligation of assignment to the same assignee at the time the invention was made. The Ho reference qualifies as prior art only under § 102(e), (f) or (g) since it was not published or patented until after the filing date of the present application. Also, at the time the invention was made, the subject matter of present application and the Ho

reference were both owned by or subject to an obligation of assignment to the same assignee, Sun Microsystems, Inc., as evidenced by the assignment for the present application recorded in the PTO at reel/frame 014655/0546 and the assignment for the Ho patent recorded in the PTO at reel/frame 013473/0227. Therefore, per 35 U.S.C. § 103(c), the Ho reference cannot be used for rejections under 35 U.S.C. § 103 in regard to the present application. Thus, the rejections must be withdrawn.

## CONCLUSION

Applicant submits the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-54200/RCK.

Respectfully submitted,

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